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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,286	04/24/2006	Robert Van Soest	903186PCTUS	2493
23869 7590 10/17/2007 HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			EXAMINER TON, TRI T	
			ART UNIT 2877	PAPER NUMBER
			MAIL DATE 10/17/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/577,286

**Applicant(s)**

VAN SOEST, ROBERT

**Examiner**

Tri T. Ton

**Art Unit**

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>04/24/06</u>  | 6) <input type="checkbox"/> Other: _____                          |

DETAILED ACTION

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 04/24/06 has been entered. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Oath/Declaration***

3. The Oath and Declaration filed on 04/24/2006 is acceptable.

***Drawings***

4. The drawings filed on 04/24/2006. These drawings are acceptable.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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6. Claims 1, 2 are rejected under 35 U.S.C. 102(b) as being taught by Kinoshita et al. (JP Publication No. 08005563). Hereafter, "Kinoshita".

Regarding Claim 1, Kinoshita teaches optical observation means for observing the objects (Figure 1, element 6), a supporting surface for supporting the objects (Figure 1, element 5) and a light source for illuminating the objects (Figure 1, element 9), characterized in that wherein the device comprises a box with reflective walls which is positioned above the supporting surface and in which the light source and the observation means are accommodated (Figure 1, element 1, 2).

Regarding Claim 2, Kinoshita teaches the supporting surface comprising a conveyor for conveying the objects through the box past the observation means (Figure 1, elements 5, A, 4, 3).

Regarding Claim 3, Kinoshita teaches the box is substantially rectangular and has a top wall and four side walls (Figure 1, elements 1, 11).

Regarding Claims 4 and 5, Kinoshita teaches at least the side walls are designed to be reflective (Figure 1, element 2).

Regarding Claim 7, Kinoshita teaches the light source being arranged on the topside of the box (Figure 1, element 9).

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Regarding Claim 8, Kinoshita teaches the light source having a uniform radiation plane (Figure 1, element 10).

Regarding Claim 9, Kinoshita teaches the light source comprising one or more lamps which being distributed substantially uniformly (Figure 3, element 9).

Regarding Claim 10, Kinoshita teaches the light source comprising one or more diffuser plates which cover the lamps on the inside of the box (Figure 1, element 10).

Regarding Claim 11, Kinoshita teaches wherein the box being substantially rectangular and has a top wall and four side walls (Figure 1, elements 1, 11), wherein the light source is arranged on the top side of the box (Figure 1, element 9), the light source comprising one or more diffuser plates which cover the lamps on the inside of the box so as to form a uniform radiation plane and the top wall of the box (Figure 1, element 10).

Regarding Claim 12, Kinoshita teaches the optical observation means comprising at least one camera (Figure 1, element 6).

Regarding Claim 15, Kinoshita teaches that the reflecting walls of the box are mirrors (Figure 1, element 2), (reflective inner wall face is not different from mirrors).

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinoshita et al. (JP Publication No. 08005563) in view of W. J. Ward et al. (U.S. Patent No. 1,947,142). Hereafter, "Kinoshita", and "Ward".

Regarding Claim 6, Kinoshita teaches all the limitations of claim 1 as stated above except for walls being made from metal. Ward teaches walls being made from metal (Figure 3, element 20). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Kinoshita by having metal walls in order to implement inspection system more easily.

9. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinoshita et al. (JP Publication No. 08005563) in view of Summers et al. (U.S. Patent No. 5,321,491). Hereafter, "Kinoshita", and "Summers".

Regarding Claims 13-14, Kinoshita teaches all the limitations of claims 1, and 12 as stated above except for the device having at least two cameras, and a computer which being coupled to the optical observation means. Summers teaches the device having at least two cameras (column 2, lines 40-45), and a computer which being coupled to the optical observation

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means (column 2, lines 9-18, column 4, lines 51-54). It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Kinoshita by having at least two cameras, and a computer in order to "control mechanical egg routing device" efficiently, (as stated by Summers, column 2, lines 16-18).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references of Kinoshita et al. (JP Publication No. 08005563), W. J. Ward et al. (U.S. Patent No. 1,947,142), and Summers et al. (U.S. Patent No. 5,321,491) teach of various features similar to the claimed invention.

### ***Fax/Telephone Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri T. Ton whose telephone number is (571) 272-9064. The examiner can normally be reached on 10:30am - 7:00pm.

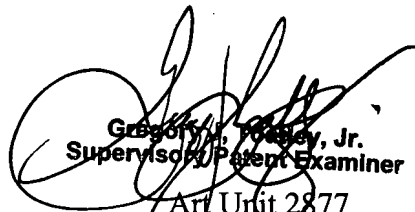
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley, Jr. can be reached on (571) 272-2059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



October 12, 2007  
Examiner Tri Ton/SN



Gregory J. Potts, Jr.  
Supervisory Patent Examiner  
Art Unit 2877  
Technology Center 2800  
15 Oct 07